## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:16-CT-3171-D

JUNIOR DEVON WILLIAMS,	)
Plaintiff,	)
v.	) ORDER
WILLIAM JAMES & JAQUAN BRITT,	)
Defendants.	)

On October 20, 2017, Magistrate Judge Numbers issued a Memorandum and Recommendation ("M&R") and recommended that the court dismiss plaintiff Junior Devon Williams's ("Williams") 42 U.S.C. § 1983 claim against William James [D.E. 21]. No party objected to the M&R.

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." <u>Diamond v. Colonial Life & Accident Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); <u>see</u> 28 U.S.C. § 636(b). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." <u>Diamond</u>, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 21].

On February 28, 2018, Williams requested that "all actions in the above numbered case be put off until a later date when I can properly review the civil rules of court in order to maintain the integrity of my case." Mot. [D.E. 24] 1. In deciding to stay proceedings indefinitely, a trial court must

first identify a pressing need for the stay. Cherokee Nation of Oklahoma v. United States, 124 F.3d 1413, 1416 (1997). "The party seeking a stay must justify it by clear and convincing circumstances outweighing potential harm to the party against whom it is operative." Williford v. Armstrong World

Williams does not currently face any deadlines and has not identified a pressing need for a stay.

Accordingly, his request is denied.

In sum, the court adopts the conclusions in the M&R [D.E. 21] and DISMISSES plaintiff's claim against defendant William James. Williams may proceed with his Fourth Amendment claim against defendant Jaquan Britt. The court DIRECTS the United States Marshal Service to make service pursuant to 28 U.S.C. § 1915(d). Plaintiff's motion to stay [D.E. 24] is DENIED.

SO ORDERED. This \_ day of April 2018.

Indus., Inc., 715 F.2d 124, 127 (4th Cir. 1983).

JAMES C. DEVER III

Chief United States District Judge